UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043

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EXAMINER
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ART UNIT	PAPER NUMBER
2132	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/014,934	DE JONG ET AL.
	Examiner	Art Unit
	Farid Homayounmehr	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>2</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7,8,10,11,13,14,17,19,20,22,23,25 and 28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,8,10,11,13,14,17,19,20,22,23,25 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/4/2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: application, filed 4/30/2002;

amendment filed 3/5/2007.

2.   Claims 1, 2, 4, 5 , 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22, 23, and 25 are pending

in the case.

Response to Arguments

3.   Applicant's amendments has caused a new ground of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 2, 4, 5 , 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22, 23, and 25 rejected

under 35 U.S.C. 103(a) as obvious over Palthenghe (U.S. Patent Application

Publication No. 2001/0011250 A1, filed Nov. 12, 1998, hereinafter called Pal).

Pal is directed to a system to store consumer (user) data and allow the user and

institutions authorized by the use (network sites) access user data (see paragraph 10).

Pal teaches use of Internet and Browsers as means for user to connect network sites

(parag. 60) and exchange user data with the network sites and the data storage (Fig.

2). Pal also teaches use of electronic wallets (such as a smart card as suggested in

parag. 74-76) to store user data (Abstract, parag. 17 and claim 4) . Pal teaches claim

limitations as described in the following:

5.1. As per claim 1, Pal is directed to a method for browsing a data communication

network (parag. 60), the method comprising:

> requesting, by a browser accessing a network site (parag. 46, where consumer

> information is requested by various merchants. Note that as mentioned above,

> Pal teaches use of Internet and browser for exchanging data), and executing on

> a processor (Browsers run on a hardware platform which contains a processor),

> user data from a user controlled-resource-constrained device (the electronic

> wallet (smart card) is a user controlled-resource-constrained device, as

> described by applicant. Parag. 60 shows an example when the backup user data

> is requested from the Information Bank. Note that, as mentioned above, the data

> stored on the Information Bank is also stored on the smart card), when said

> network site requires said user data (parag. 46),

> said requesting occurring prior to said browser requesting said user data from

> another device (i) different from said user-controlled resource-constrained device

and (ii) included in a device including said processor when said user data is

unavailable from said user-controlled resource-constrained device (Examiner

takes the official notice that the limitation is trivial. This is because the

determination that said user data is unavailable from said user controlled-

resource-constrained device is made after the request is made to the device.

Also, the request to any other device is made after it is determined that the data

is not available on the user controlled-resource-constrained device. Therefore,

when the requested data is not available on the user controlled-resource-

constrained device, the request to any other device is after the request to the

user controlled-resource-constrained device. Further note that when the data

request from a device is unsuccessful, requesting data from a different device

located on the same system was well known and widely practiced by the one

skilled in art at the time of invention.)

and sending, by the said browser, said user data to a network server associated

with said network site when said user data is received from the said user

controlled resource-constrained device by said browser (parag. 60 teaches an

embodiment that back ups and archives user data. Therefore the data from user

controlled resource-constrained device is received by the browser and sent by

the browser. See also Fig. 3 and associated text).

5.2. As per claim 2, Pal is directed to a method for browsing a data communication

network (see claim 1), the method comprising:

receiving, by a user-controlled resource-constrained device, a request, from a

browser, for user data (see claim 1) wherein said user data is one of static user

data and dynamic user data (parag 10 describes static and dynamic data);

returning said user data by a user-controlled resource-constrained device to said

browser when said user data is found stored on said user-controlled resource-

constrained device and when returning said user data for said request is enabled

on said user-controlled resource constrained device and when said user data

comprise static user data; reconfiguring said user data when said user data is

found stored on said user-controlled resource-constrained device and when

returning user data for said request is enabled and when said user data is said

dynamic user data; and returning said configured user data by said user-

controlled resource-constrained device to said browser (see claim 1 and note

that paragraphs 13-17 and 47-48 describe dynamic data being reconfigured by

removing sensitive information before sending to the merchant. Paragraph 61

show user full control on release of information, therefore teaching access only to

information with enabled access control.)

5.3.   Claims 3, 6, 9, 12, 15, 18, 21, and 24 cancelled by the applicant.

5.4.   Limitations of claim 4 is substantially the same as claim 1, with the distinction of

using cookies to exchange user data. Use of cookies by an Internet Browser to

exchange data is described in paragraph 7.

5.5.   Limitations of claim 5 is substantially the same as limitations of claims 1, 2, and 4

above. Note that when the dynamic data is reconfigured, and the dynamic data is in a

cookie, the cookie is reconfigured. Note further that a cookie is a file containing bits of

information. When the cookie is reconfigured, the bit pattern of the cookie is inherently

reconfigured.

5.6.   Limitations of claims 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22 and 23 are

substantially the same as limitations of claims 1, 2, 4 and 5 above.

5.7.   As per claim 25, Pal is directed to an apparatus for enhanced privacy protection

in identification in a data communications network, the apparatus comprising:

a smart card configured to store a randomized ID obtained in response to enrolling for a

service on said data communications network, said smart card further configured to

release said randomized ID to obtain services on said data communications network

(see response to claim 1 and paragraph 30).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Farid Homayounmehr whose telephone number is (571)

272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday

biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

Farid Homayounmehr

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